

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEARL ANTHONY,

Plaintiff,

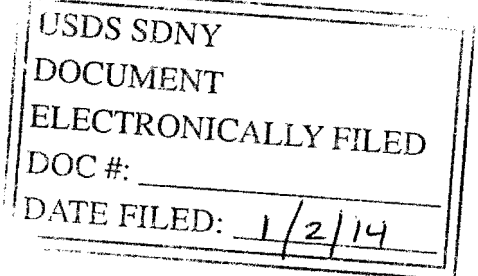
- against -

ADA PERRY, HARLEM HOSPITAL
PSYCHIATRIC DEPT., RITA RIZZO,
ESQ., CITY MARSHAL, KENYA ANTHONY,
LT. MICHAEL, and CITY OF NEW YORK,

Defendants.

: 13 Civ. 4077 (PAC) (JCF)

: REPORT AND
: RECOMMENDATION

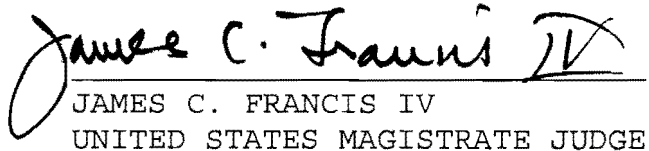


TO THE HONORABLE PAUL A. CROTTY, U.S.D.J.:

The complaint in this action was filed on June 13, 2013, and an order of service was issued on June 20, 2013. However, service on the defendants was never effected. By letter dated October 30, 2013, I advised the plaintiff to submit within two weeks a letter setting forth any reasons why the action should not be dismissed. Ms. Anthony responded, indicating that she was unfamiliar with the legal requirements. Accordingly, I issued a Memorandum Endorsement dated November 13, 2013, extending her time to effect service until December 31, 2013. At that time, I stated that no further extensions would be granted, and I directed the plaintiff to contact the Pro Se Office of the Court if she required assistance. Service still has not been effected; instead, Ms. Anthony sent a letter dated December 31, 2013, attaching papers that apparently relate to a different case she filed in this Court (13 Civ. 4519

(RA)). As the plaintiff has not served the defendants, even within the extended deadline, I recommend that the complaint be dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Paul A. Crotty, Room 1350, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

Respectfully submitted,


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
January 2, 2014

Copies mailed this date:

Pearl Anthony
159-26 Harlem River Drive
New York, NY 10039